IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No.1081 of 2003

Date of decision 3.5.2007

Sarswati Devi Petitioner

Vs.

State of H.P. and others Respondents

Coram:

The Hon'ble Mr.Justice Rajiv Sharma, Judge.

Whether approved for reporting?[1] No.

For the Petitioner: Nemo.

For the Respondents : Mr.M.S.Chandel, Advocate General, with Mr.M.A.Khan and Ms.Meenakshi Sharma, Deputy Advocate Generals.

Rajiv Sharma (Oral),J.

This writ petition is directed against the order passed by Financial Commissioner (Appeals) on 30.1.2003. Brief facts necessary for the adjudication of this petition are that the petitioner's husband Raunki Ram was allotted land, measuring 0.14.69 hectares, comprising Khasra Nos. 487,626 and 777 by the competent authority on 15.4.1978. This order was reviewed by the Sub Divisional Officer (C), Sarkaghat on 21.2.1980. The main ground for accepting the review against the allotment of Nautor land to Sh.Raunki Ram was that his annual income was more than Rs.3000/-.

Feeling aggrieved by the order dated 21.2.1980.Raunki Ram preferred revision before the Additional Deputy Commissioner, Mandi which was also rejected on 27.1.1981. It appears that during these proceedings .Raunki Ram died

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[1] Whether reporter of local papers are allowed to see the judgment ? No.

and the present petitioner was substituted in his place. The petitioner filed revision petition before the Commissioner, Mandi on 31.12.1998. The Commissioner Mandi condoned the delay and thereafter had recommended and reported the case to the Financial Commissioner (Appeals) on 19.4.1990. The Financial Commissioner (Appeals) rejected the revision petition on 30.1.2003.

I have carefully gone through the orders passed by the S.D.O.(C) Sarkaghat on 21.2.1980 as well as order passed by the Addl. Deputy Commissioner, Mandi dated 27.1.1981. These two orders have been passed after getting the reports from the field agencies, more particularly, with regard to the land already in possession of late Raunki Ram and his income. The field agencies have recommended that the petitioner's husband was already in possession of land, measuring 0.30.54 hectares of land and his income was more than Rs.3000/- per annum. The recommendations made by the Commissioner on 19.4.200 to the Financial Commissioner (Appeals) were against the provisions of the Nautor Scheme under which the land was allotted to the petitioner. The order passed by the Financial Commissioner (Appeals) on 30.1.2003 does not suffer from any jurisdictional error or procedural irregularity. Consequently, there is no substance in the petition and the same is dismissed.

May 3 ,2007(g) **(Rajiv Sharma), J.**